



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Number:** 2208108

**Applicant:** Brian Runberg, Architect for Liya International

**Address:** 2851 Eastlake Avenue East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for the future construction of a 4-story mixed use building with approximately 7,740 square feet of retail at street level and 127 apartments. Parking will be provided below grade (197 parking spaces).

The following approvals are required:

**Shoreline Substantial Development Permit** - To allow a multifamily residence and personal and household retail sales and services use in an Urban Stable (US) environment, - Seattle Municipal Code (SMC) Chapter 23.60.600,

**SEPA - Environmental Determination** - Chapter 25.05, (SMC)

**Design Review** - Chapter 23.41, (SMC)

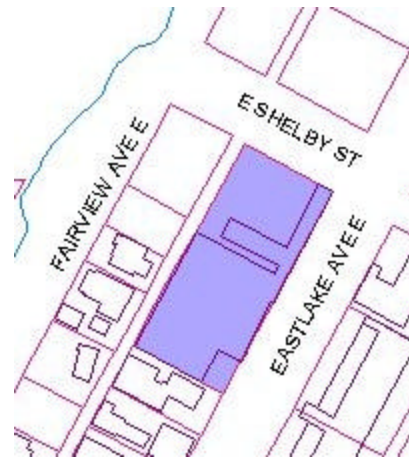
**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,  
or another agency with jurisdiction.

## **BACKGROUND INFORMATION**

The site is located at 2851 Eastlake Avenue East at the intersection of Eastlake Avenue East and East Shelby Street. The site is bounded by two unimproved rights-of-way: East Shelby Street to the north and an alley to the west. A vacant restaurant supply store and retail stores presently occupy the site. The site slopes down to the west and northwest. The steepest slope is located in the northwest corner of the site. The property is in an NC3-40 zone, within the Eastlake Urban Village and Eastlake Avenue Pedestrian District Overlay boundary and is within an Environmentally Critical Area (ECA) for steep slopes.



Zones in the area are L-3 and L-3RC. South of the site there is a three-story office building. North across Shelby Street is a City of Seattle Park. Across Eastlake Avenue there is a six story residential building and several two story residential buildings. Down slope to the west across the alley are single family residences, Fairview P-patch, floating homes, Fairview Avenue and Lake Union.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

SMC Section 23.60.030 provides criteria for review of shoreline substantial development permits. Specifically, this section states that a substantial development permit shall be issued only when the proposed development is consistent with:

- A The policies and procedures of Chapter 90.58 RCW;*
- B. The regulations of this Chapter; and*
- C. The provisions of Chapter 173-27 WAC.*

Chapter 90.58 of the Revised Code of Washington (RCW) codifies the State's policies with respect to managing shorelines and fostering reasonable and appropriate shoreline uses. Specifically, the Act contemplates protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. The Act further provides definitions and concepts and delegates responsibility for implementation to specific state and local governmental entities. Local governments are given primary responsibility for initiating and administering the regulatory program of the Act. The State Department of Ecology (DOE), on the other hand, is given responsibility for insuring compliance among local governments with the policy of the State and provisions of the Act. Pursuant to the requirements of the Act, the City of Seattle has adopted a local shoreline master program that has been approved by the DOE. The City of Seattle Shoreline Master Program (SSMP) is codified in SMC Chapter 23.60.

In evaluating applications for shoreline substantial development permits the Director must determine that a proposed use meets the criteria set forth in SSMP 23.60.030. Specifically, development standards of the shoreline environment and underlying zone must be considered

and a determination must be made as to any special requirements or conditioning that is necessary to preserve or enhance the shoreline area. In order to obtain a shoreline substantial development permit, an applicant must demonstrate that the proposal is consistent with the shoreline policies established in SSMP section 23.60.004. Additionally, the applicant must further demonstrate that the proposal meets the criteria and development standards for the specific shoreline environment in which the site is located, any applicable special approval criteria, general shoreline master program development standards, and the development standards for specific uses.

#### Shoreline Policies (RCW 90.58 and SSMP 23.60.004)

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan and SSMP section 23.60.004. The Land Use Element of the Comprehensive Plan details area specific policies and objectives for certain shorelines within the City. Lake Union in the vicinity of which the project will be located is one of those areas having specific policies and objectives.

Policies geared towards this area include encouraging a diversity of uses, retaining the working character of Lake Union by reserving shoreline areas for water dependent uses, and restoring and enhancing the Lake's natural environment. Generally, the scope and purpose of the proposed project will complement the mix of uses in the vicinity. Moreover, the siting and design of the project will enhance, to the extent possible for an upland lot, the recreational atmosphere of portions of Eastlake Avenue East.

SSMP Section 23.60.004 references SSMP Section 23.60.220, which establishes shoreline environments for the Master Program and specifies their purpose and location criteria. The proposed project will be partially located in an Urban Stable (US) shoreline environment.

The purpose of the US environment as stated in SSMP Section 23.60.220.C.7 is to "provide opportunities for substantial numbers of people to enjoy the shorelines by encouraging water-dependent recreational uses and by permitting non-water dependent commercial uses if they provide substantial public access and other public benefits." The SSMP goes on to stipulate that views of the water from adjacent streets and upland residential areas should also be preserved.

Siting and design of the proposed structure partially within the US environment will further the purposes of the environment. Specifically, the proposal site is located on an upland lot and has incorporated design elements to support the public's experience of the shoreline environment at this location. These elements include an outdoor plaza at the street level with a lake view overlook, and access stair (open to the public) to the park and Fairview Avenue. Additionally, siting of the structure on its development site will ensure that views of the water from upland streets will be partially preserved.

#### Development Standards for the US Environment (SSMP Sub ch. XI)

Allowable uses and applicable development standards for the US environment are established in Subchapter XI of the SSMP. These subchapters identify personal and household retail sales and service and multi-family residences as uses permitted outright on upland lots in the US

environment. As proposed, development on the site will comply with all applicable development standards set out in the subchapter.

#### General Development Standards for All Uses (23.60.152 SSMP)

General standards for all uses and development in all shoreline environments are established in SSMP section 23.60.152. These standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline. The proposed project's design is consistent with the requirements of this section. To ensure that these standards are conformed to, the proponent will be required to notify contractors and subcontractors of these requirements as conditioned below.

#### Procedures for Administration of the Shoreline Management Act (WAC 173-27)

Pursuant to the language and intent of RCW 90.58, WAC 173-27 establishes basic rules for the permit system to be adopted by local government. It provides the framework for permits to be administered by local governments including time requirements for permits, revisions to permits, notice of application, formats for permits, and provisions for review by the State DOE. Because DOE has approved the Seattle Shoreline Master Program, consistency with the criteria and procedures prescribed by SMC Chapter 23.60 is also considered consistency with the WAC 173-27 and RCW 90.58.

#### Summary

The proposed development will be consistent with the policies and procedures of RCW 90.58, WAC 173-27, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP). As conditioned, the development will have no adverse effect on the shoreline, the near shore environment, or the waters of Lake Union.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The proposed action is **CONDITIONALLY GRANTED**. Shoreline Substantial Development conditions follow the SEPA Analysis towards the end of this decision.

### **ANALYSIS - DESIGN REVIEW**

This project was subject to the City of Seattle design review program. The designers received early design guidance at a design review meeting February 19, 2003.

#### **EARLY DESIGN GUIDANCE**

#### **ARCHITECT'S PRESENTATION**

The architect presented a site analysis, opportunities and constraints of the subject property and views of surrounding development. He described current street conditions and limitations of traffic flow due to the street and alley conditions. He presented drawings showing the building

envelope allowed by the Land Use Code and the programmatic goals of the developer. The Board made several observations and invited the architect to show preliminary sketches of building massing, parking and access proposals and building material ideas. The architect presented several alternative character studies his office had generated and a picture board of other projects-also character studies- which he is studying for massing and material explorations. A massing model was used to convey the complexities of the site and used as an effective discussion tool.

## PUBLIC COMMENTS

Twenty members of the public were present at the meeting. Public comments regarding this initial analysis included requests that “regular user” traffic be routed through Shelby Street and not the alley. Access to lower units from the outside would be a good thing. Sun studies should be developed to show the public how the project may or may not block sun on the neighboring park and private properties. Views of the proposed building from Fairview were noted as important views for the nearby residents and the public. Providing modulation on the street façade is important. Use elements such as balconies or courtyards. There is significant neighborhood history with small scale residential nearby, Ward’s Cove, and Barmart. Opportunities to connect the green of the nearby park and Fairview into the project were encouraged. The north and west facades are important to not be concrete bunkers with residential stacked on top. Some type of housing forms that step up the hill would be desirable.

## PRIORITIES:

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Multifamily and Commercial Buildings*” of highest priority to this project.

### **A      *Site Planning***

#### **A-1      *Responding to Site Characteristics***

***The siting of building should respond to specific site conditions and opportunities.***

The Board wants the applicant to create a creative form for the building with pedestrian friendly design on Eastlake. They told the designer that the view of the site from Fairview is an important view. They asked that the designer use the slope to help determine a building form that will step up the slope and give access to units along the slope. They noted that any alley vacation could be used for open space at the lower level for lower units.

#### **A-2      *Streetscape compatibility***

***The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.***

The Board asked the designer to set new and higher standards for streetscape quality along busy Eastlake Avenue. A unified mix of retail, commercial and residential entry lobby should be provided.

#### **A-3      *Entrances Visible from the Street***

***Entries should be clearly identifiable and visible from the street.***

Entries from Eastlake to residential lobby and retail or commercial areas should be visible and possible share initial entry or foyer space. Entries along Shelby may by necessity step down the hillside.

**A-4 Human Activity**

***New development should be sited and designed to encourage human activity on the street.***

The Board asked the designer to set a new standard for development along Eastlake that encourages human activity by creating useable and rentable commercial spaces.

**A-5 Respect for Adjacent sites**

***Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings***

The Board wants the designer to keep the surrounding properties firmly in mind as they develop the design to avoid conflicts, such as noise, light and glare, safety. Views from Shelby to the water and the park are important to support and enhance. For instance, from Shelby the building could step both horizontally to the southwest and vertically down the slope.

**A-7 Residential Open Space**

***Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.***

The Board feels that the open space should be designed as an integral part of the design and help to open views between “fractures” of the building. The Board requested clustering of residential units and connected spaces and courtyards that could step up the hill to encompass live/work type spaces and small business opportunities. The Board wants a community to be built using architectural forms to support it.

**A-8 Parking and Vehicle Access**

***Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.***

The Board asked that the vehicle access be from Shelby which is what the designer is exploring at this point.

**B Height, Bulk and Scale**

**B-1 Height, Bulk and Scale**

***Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones.***

The Board agreed that successfully addressing height, bulk and scale issues at this site are key to creating a successful building. The Board thought that the building concepts that broke or fractured the Eastlake facades were preferable to a single building mass. The Shelby and hillside façade should be explored as live/work type units where access would be variable and open space could help break up the bulk and scale and take advantage of the alley. The Board requested further exploration of the massing options to minimize the building mass and avoid a “plinth-and-stacked-units-type” of development.

**C Architectural Elements and Materials**

**C-1 Architectural Context**

*New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.*

**C-2 Architectural Concept and Consistency**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

*Buildings should exhibit form and features identifying the functions within the building.*

*In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

The Board requested that the designer set a new high standard for Eastlake buildings... to be a future landmark with appropriate and creative form, scale and materials.

**C-3 Human Scale**

*The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

The Board asked for more detail to show how the project will meet this guideline through architectural spaces and circulation systems.

**C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The Board requested using high-quality and durable materials for a sense of permanence, ease of maintenance and as an addition to the neighborhood.

**C-5 Structured Parking Entrances**

*The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.*

The Board agreed that access off of Shelby was the preferable option and pedestrian access down the slope across the driveway would be acceptable.

**D Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances**

*Convenient and attractive access to the building's entry should be provided.*

Entries along Eastlake should be convenient and should be recognizable as retail or residential entries or both. Open spaces or setbacks could be shared at entries.

**D-2 Blank Walls**

*Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.*

The Board noted that blank walls should be avoided.

***D-5 Visual Impacts of Parking Structures***

***The visibility of all at-grade parking structures or accessory parking garages should be minimized.***

The Board agreed that there should be no blank walls including the wall facing the alley at the parking garage. Some sort of concrete treatment or screening and reasonable landscaping would be apropos at this location as well as locating residential units or live and work units.

***E Landscaping***

***E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites***

***Where possible, and were there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.***

***E-2 Landscaping to Enhance the Building and/or site***

***Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.***

***E-3 Landscape Design to Address Special Site Conditions***

***The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions.***

The Board would like to see “green links” to the surrounding park through ample landscaping of circulation areas and open spaces. Landscaped private and public decks and open spaces should be used to soften facades on all sides. The designer should bring landscape design concepts to the next meeting.

RECOMMENDATION MEETING - March 17, 2004

ARCHITECTS PRESENTATION

The architect reviewed the site, neighboring sites and uses, topography and neighborhood concerns for an introduction to the project. He explained the building massing, open space, access and mixed uses for the board. The project is proposing several departures from the land use code for the Board’s consideration. The architect presented some of the concerns of neighbors across the alley to the west. These houses are very close to the rear property lines and changes to the proposal site and alley may affect their sense of privacy. The architect explained that Seattle Department of Transportation (SDOT) requires new projects to improve abutting rights-of-way including alleys. The project proponents are proposing to improve the alley to a minimum acceptable by SDOT which would include new drainage and grading for fire access. The project developer is working with the neighbors across the alley to help maintain a sense of privacy and security. A final solution may be some sort of fence and/or landscape screening. A proposed stairway, health club and club jog trail access has been reconfigured to respect neighboring sites - the houses to the west. HVAC and garage exhaust has been located away from the alley. It is the architect’s opinion that the area will be a more secure area and less attractive to transient activity once the new project is begun.



## PUBLIC COMMENTS

There were 20 members of the public in attendance. Comments included concerns over security, privacy, light and glare, massing of the building and color. The mass of the building at the parking garage/residential area on the northwest corner was commented on several times. The following comments were voiced:

Alley grading or any access to the alley or to the building via the alley is undesirable. There is a lot of transient activity in this area and opening the alley may make it worse for the residents on the west side of the alley.

The north stairway on this project appears to be a positive feature for access to the park. There should be a connection to the building from that stair. Keep the west wall green with plants for the life of the project. The Eastlake street elevations look good. Security concerns should be looked at carefully due to past experience in the neighborhood.

The use of old timber from the existing buildings is a very nice idea and should be pursued. Keep the project as “green” as possible. Add more warmth of color to the current proposed palette. There is enough texture to the project materials. Add more funk and personality.

The “country road” feeling of Fairview is a desirable characteristic to retain. Using more wood elements would help the building character be more in line with Fairview. Too much lighting is a concern. Avoid over illumination on the entire project and surrounding rights of way.

## BOARD DELIBERATION

The Board discussed prominent issues from the presentation and public comments. Points of discussion included the following:

- The relationship of an organic park and large building is important. Any stylistic expression to marry with the park-like feel would be a good direction to explore for the northwest portion of the lower building.
- The access stairs at the north side are a good amenity.
- Avoid noise, odor and light generators on the alley.
- Maintain the alley as right of way and work with the neighbors to find a design solution to help with their issues.

## BOARD RECOMMENDATION:

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members felt that all of the guidance they had given in their previous meetings had been addressed by the applicant. In addition, the full Board supported the Departure requests and **recommended approval with conditions** of the design to the Director.

Recommended conditions are the following:

1. Maintain a full and healthy landscape for the life of the project with special attention to alley way green architecture including vines and landscape screening and plants that trail over walls.
2. Work with the DPD planner to further refine the northwest corner and alley for a more organic or rural road appearance and to soften the industrial look. Elements such as color, texture and modulation should be explored.
3. Avoid noise, odor and light generators on the alley.

#### Summary of Requested Departures

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Comment</i>	<i>Recommendation by Board</i>
23.47.008B commercial street frontage	80% non-residential use	68%	Shelby is unopened right of way.	<b>Approval</b>
23.47.008B1 depth of commercial space	30' average depth	Allow 12' depth for 20 linear feet	Average is 39'	<b>Approval</b>
23.47.008 C2 13' floor to floor for non-residential at street level	13'	12' for less than 50% of commercial space		<b>Approval</b>
23.47.008 D residential lot coverage	64% above 13'	Aggregate is 87.9%	No one level exceeds the 64% coverage allowed.	<b>Approval</b>

#### **ANALYSIS AND DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings* and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the Director **approves** the proposed design as presented in the official plan sets on file with DPD as of the May 24, 2004. The Design Review Board meeting and the recommended **development standard departures** described above are **approved**.

## **ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 18, 2003 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the residential density and close proximity of neighboring businesses, further analysis of construction impacts is warranted.

### **Noise**

Noise associated with construction could adversely affect the surrounding uses, thus the limitations of the Noise Ordinance are found to be inadequate. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), additional mitigation is warranted. Thus, limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe.

Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD to adequately evaluate the request pursuant to SEPA authority to mitigate construction impacts (SMC 25.05.675B).

### Pedestrian Circulation

Pedestrian circulation associated with construction could adversely affect the surrounding neighborhood, thus Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), additional mitigation is warranted. A five (5) foot pedestrian route must be maintained for passageway along Eastlake Avenue East.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Storm water, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

### Drainage and Water Quality

Rain water on roofs and roof decks are the major sources of water runoff on this site. The rainwater will be collected in gutters and connected to the storm drainage system. Oil/water separators will be installed at the parking garage level. Therefore, drainage will be directed away from adjoining residential properties. No additional mitigation measures will be required pursuant to SEPA.

### Height, Bulk and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this mixed use project in a Neighborhood Commercial Zone 2 with a 40 foot height limit (NC2 40'). Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

### Historic Preservation

#### *Historic Buildings*

As required under SMC 25.05.675, and the DPD-DON Interdepartmental agreement on review of historic buildings during SEPA review, a project that proposes the demolition of a structure or structures over 50 years old must be referred to the City of Seattle Department of Historic Preservation. After review the Department of Neighborhoods staff found that the buildings on this site did not meet the criteria for landmark status, as detailed in SMC 25.12. Accordingly, no further review is required.

#### *Potential archaeological sites*

For any projects located within 200 feet of the US Government Meander line or in other areas where information suggests potential for archeologically significant resources, DPD shall determine the adequacy of the information provided in the SEPA checklist. DPD may ask for additional information when appropriate. DPD has reviewed the proposed level of excavation and its relationship to the historical substrata, results of research of relevant literature on the site and environs and result of conversations or copies of written correspondence with the Washington State Archaeologist. The required research does not identify the probable presence of archaeologically significant sites or resources.

Even though research has not indicated the potential for archaeologically significant resources on the site, there still may be some potential for unknown resources to be discovered if the proposal site is located in an area characteristically similar to those where known resources do exist. Thus, in order to ensure that no adverse impact occur to an inadvertently discovered archaeologically significant resource, conditioning of permit approval shall be applied to the project to provide mitigation. Conditions are listed at the end of this document.

### Traffic and Transportation

The proposed project is estimated (per *ITE Trip Generation Handbook* rate) to generate a total of (pass-by and non-pass-by) 1,165 average weekday daily trips, 77 AM and 99 PM peak hour trips based on 127 apartments units, 6,285 gsf commercial/retail space, and 3,050 gsf of restaurant space. However, since a portion of the development consists of retail use, and by nature some of the retail trips are trips already on the street system passing by the site, it is estimated that the new tips (non-pass by) generated by the project to the surrounding street system will be 894 daily, 58 AM and 77 PM peak hour trips. The new pass-by trips (trips already on the surrounding street system) entering and exiting the project are estimated to be 271 daily, 19 AM and 22 PM peak hour trips.

Recognizing the fact that this site used to generate traffic from a retail/industrial type business, it is estimated that the net-new non-pass by trips generated by the redevelopment of this site will be 737 daily trips, 45 AM and 60 PM peak hour trips. The pass-by related trips from the existing site uses and the proposed site uses are estimated to result in an increase of 19 PM peak hour

pass-by trips at the site; from 3 to 22 trips. The results of the analysis indicate that the project will not lower the future PM peak hour overall level-of-service grade at any of the three study intersections; intersections of Eastlake Avenue East with East Roanoke Street, East Shelby Street and East Hamlin Street. The project meets the City's transportation concurrency (Level of Service) LOS Standards and indicates adequate capacity exists to serve the increase in project related vehicle trips.

### Parking

Per the City's parking code, the site would be required to provide approximately 162 parking stalls for the residential based on 127 units. The site would be required to provide approximately 24 stalls for the retail use. Thus, the total parking required per city code is 186. The parking garage is currently designed to accommodate 197 parking stalls; 170 for the residential and 27 for the retail/restaurant. Thus, there are more stalls provided than per code. The anticipated peak parking demand for the residential use would be 148 vehicles according to the ITE parking Generation manual, 2<sup>nd</sup> Edition. The total commercial/retail area assumed in this traffic study is 9,330 gsf, thus the parking demand is estimated to be 16 vehicles based on the City of Seattle Strategic Planning Office Neighborhood Parking Study. It is assumed the peak period would occur during the afternoon. Therefore the total parking demand is estimated to be 164 vehicles (16 + 148 = 164) conservatively. The parking demand of 164 vehicles is less than the supply of parking in the garage of 197. Thus the parking garage should be adequate to meet the demand. However, in order to mitigate any evening spill over due to residents' visitors or a surge of 2-3 car households the project will be conditioned to provide 191 available residential spaces by 9 PM each evening.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### DECISION SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

## **CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

### **During Building Demolition, Site Work and Building Construction**

1. The proponent shall notify the chosen contractor of the general development standards and best management practices set out in Seattle Shoreline Management Program Section 23.60.152.

## **CONDITIONS – Design Review**

### **For the life of the project**

2. Maintain a full and healthy landscape for the life of the project with special attention to alley way green architecture including vines and landscape screening and plants that trail over walls.
3. Work with the planner to further refine the northwest corner and alley for a more organic or rural road appearance and to soften the industrial look. Elements such as color, texture and modulation should be explored.
4. Avoid noise, odor and light generators on the alley.

### **Non-Appealable Conditions**

5. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard 206-615-1254). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
6. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard 206-615-1254), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
7. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

## **CONDITIONS – SEPA**

### **Prior to Issuance of Demolition Permits**

8. The applicant shall submit to DPD a copy of the PSCAA Notice of Intent to Demolish prior to issuance of the DPD demolition permit.

### **Prior to Issuance of Master Use Permits:**

9. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include

reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Building Demolition, Site Work and Building Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

10. The owner's and/or responsible party(s) shall:
11. Limit the hours of any construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. Limited work on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner at DPD. Such after-hours work would include emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Limited work at other times or on Sundays may also be allowed if necessary to align with SDOT or utility requirements. Such limited after-hours work may be authorized only if the owner(s) and or responsible party(s) provide 3-days prior notice to allow DPD to adequately evaluate the request.
12. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

Stop work immediately and notify DPD (Holly Godard 206-615-1254) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.

Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

For the life of the project

13. The project must provide 191 available residential spaces by 9 PM each evening.

Signature: \_\_\_\_\_ (signature on file) Date: June 10, 2004

Holly Godard, Land Use Planner  
Department of Planning and Development